

***Montana Fish, Wildlife and Parks***  
1420 E 6th Ave, PO Box 200701 Helena, MT 59620-0701  
(406) 444-2452

**ENVIRONMENTAL ASSESSMENT CHECKLIST**

**PART 1. PROPOSED ACTION DESCRIPTION**

Project Title:

Fort Peck Hatchery Manager Residence Acquisition

Application Date:

6/15/07

Name, Address and Phone Number:

Bob Snyder

Hatchery Bureau Chief

Montana FWP

1420 E. 6<sup>th</sup> Avenue

Helena, MT 59620

Project Location:

7 West Kansas Avenue

Fort Peck, MT 59223

**Description of Project:**

FWP is seeking to acquire a residence in the town of Fort Peck to provide housing for one of two Fort Peck Hatchery personnel that perform Fish and Water Supply Protection at the hatchery (Figures 1 & 2).

Disruptions in hatchery water flows and malfunction of necessary infrastructure at state hatcheries can cause catastrophic losses of on-site hatchery fish. Such losses may result in a hatchery not meeting its stocking commitments, thereby affecting statewide fisheries management goals and the recreational demands of the public. Hatcheries that rely on pumped water supplies and heat or cool their water are especially vulnerable to these types of losses. To reduce the incidence and affects of flow disruptions, power outages and infrastructure malfunctions or breakages, FWP has instituted Fish and Water Supply Protection Duty, where, on a rotating basis, hatchery personnel are required to remain within an adequate response time to their hatchery. Fish and Water Supply Protection Duty requires that hatchery personnel are

available 24 hours a day for the entire period for which they are on duty. At all state hatcheries except Fort Peck Hatchery, state-owned housing is provided so that hatchery personnel can remain on-site during their duty. State housing is provided and managed under FWP's Housing and Fish and Water Supply Protection Duty policies.

Fort Peck Hatchery does not have any integral housing for either of the two hatchery personnel currently providing Fish and Water Supply Protection Duty at that facility. Instead, these two hatchery personnel occupy two leased residences for which FWP pays rent and utilities. Under the proposed preferred alternative, permanent housing would be provided for one of the two hatchery personnel by purchasing an existing residence within sufficient response time of the Fort Peck Hatchery. Purchasing an existing residence is less expensive than building a new residence.

**Other groups or agencies contacted or which may have overlapping jurisdiction:**

None.

## **PART 2. ENVIRONMENTAL REVIEW**

Table 1. Potential impact on physical environment.

Will the proposed action result in potential impacts to:	Unknown	Potentially Significant	Minor	None	Can Be Mitigated	Comments Provided
1. Unique, endangered, fragile, or limited environmental resources				X		
2. Terrestrial or aquatic life and/or habitats				X		
3. Introduction of new species into an area				X		
4. Vegetation cover, quantity and quality				X		
5. Water quality, quantity and distribution (surface or groundwater)				X		
6. Existing water right or reservation				X		
7. Geology and soil quality, stability and moisture				X		
8. Air quality or objectionable odors				X		
9. Historical and archaeological sites				X		
10. Demands on environmental resources of land, water, air & energy				X		
11. Aesthetics				X		

### **Comments**

(A description of potentially significant, or unknown, impacts and potential alternatives for mitigation must be provided.)

Table 2. Potential impacts on human environment.

Will the proposed action result in potential impacts to:	Unknown	Potentially Significant	Minor	None	Can Be Mitigated	Comments Provided
1. Social structures and cultural diversity				X		
2. Changes in existing public benefits provided by wildlife populations and/or habitat				X		
3. Local and state tax base and tax revenue				X		
4. Agricultural production				X		
5. Human health				X		
6. Quantity and distribution of community and personal income			X			
7. Access to and quality of recreational activities				X		
8. Locally adopted environmental plans & goals (ordinances)				X		
9. Distribution and density of population and housing				X		
10. Demands for government services				X		
11. Industrial and/or commercial activity				X		

## **Comments**

(A description of potentially significant, or unknown, impacts and potential alternatives for mitigation must be provided as comments.)

**Does the proposed action involve potential risks or adverse effects which are uncertain but extremely harmful if they were to occur?**

No.

**Does the proposed action have impacts that are individually minor, but cumulatively significant or potentially significant?**

No.

**Description and analysis of reasonable alternatives (including the no action alternative) to the proposed action when alternatives are reasonably available and prudent to consider. Include a discussion of how the alternatives would be implemented:**

Alternative 1: No Action

Under this alternative, a residence would not be acquired and housing for the Hatchery Manager would continue to be provided by monthly leases of a private residence. The rent costs will continue to be borne by the Fort Peck Hatchery's annual budget, limiting the funding available for hatchery operations and maintenance. The long-term availability of rental housing in Fort Peck is vulnerable to changes in the rental housing market. Rental properties may not always be available or suitable for use as a Hatchery Manager's residence.

Alternative 2: FWP builds a new residence

Under this alternative, FWP would build a new residence either on the hatchery site, which is owned by the US Army Corps of Engineers, or on an as-yet-unidentified parcel of property near the hatchery site. Recently built hatchery residences at other FWP hatcheries have cost significantly more than the cost of acquiring the existing residence identified in the proposed preferred alternative. The cost of constructing a new residence would deplete the hatchery bureau's available budget for major hatchery construction and maintenance projects. This would jeopardize FWP's ability to complete important maintenance projects at all FWP hatcheries.

Alternative 3: FWP acquires existing residence (preferred alternative)

Under this alternative, FWP would purchase the residence at 7 West Kansas Avenue in Fort Peck for use as the Hatchery Manager's residence. This alternative would increase short-term costs over renting a suitable residence, however significant benefits would be realized:

- 1) Hatchery Bureau capital funds would be used to purchase the residence. The amount the Fort Peck Hatchery expends for housing from its annual operations and maintenance budget will be reduced. This will increase the proportion of the hatchery's annual budget available for hatchery operations and maintenance.
- 2) The cost of purchasing this residence is less than the cost of building a new residence.
- 3) A long-term solution to the hatchery housing problem will be addressed. Hatchery housing will not be susceptible to the vagaries of the rental housing market.

**Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:**

None.

**Individuals or groups contributing to, or commenting on, this EA:**

**EA prepared by:**

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**Date Completed:** June 15, 2007

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**Mail comments to:**

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**Comments due by:** July 3, 2007

# APPENDIX A

## PRIVATE PROPERTY ASSESSMENT ACT CHECKLIST

The 54th Legislature enacted the Private Property Assessment Act, Chapter 462, Laws of Montana (1995). The intent of the legislation is to establish an orderly and consistent process by which state agencies evaluate their proposed actions under the "Takings Clauses" of the United States and Montana Constitutions. The Takings Clause of the Fifth Amendment of the United States Constitution provides: "nor shall private property be taken for public use, without just compensation." Similarly, Article II, Section 29 of the Montana Constitution provides: "Private property shall not be taken or damaged for public use without just compensation..."

The Private Property Assessment Act applies to proposed agency actions pertaining to land or water management or to some other environmental matter that, if adopted and enforced without compensation, would constitute a deprivation of private property in violation of the United States or Montana Constitutions.

The Montana State Attorney General's Office has developed guidelines for use by state agency to assess the impact of a proposed agency action on private property. The assessment process includes a careful review of all issues identified in the Attorney General's guidance document (Montana Department of Justice 1997). If the use of the guidelines and checklist indicates that a proposed agency action has taking or damaging implications, the agency must prepare an impact assessment in accordance with Section 5 of the Private Property Assessment Act. For the purposes of this EA, the questions on the following checklist refer to the following required stipulation(s):

### DOES THE PROPOSED AGENCY ACTION HAVE TAKINGS IMPLICATIONS UNDER THE PRIVATE PROPERTY ASSESSMENT ACT?

YES

NO

- |                   |                   |     |   |
|-------------------|-------------------|-----|---|
| <u>          </u> | <u>  X  </u>      | 1.  | Does the action pertain to land or water management or environmental regulation affecting private real property or water rights?  |
| <u>          </u> | <u>  X  </u>      | 2.  | Does the action result in either a permanent or indefinite physical occupation of private property?   |
| <u>          </u> | <u>  X  </u>      | 3.  | Does the action deprive the owner of all economically viable uses of the property?  |
| <u>          </u> | <u>  X  </u>      | 4.  | Does the action deny a fundamental attribute of ownership?  |
| <u>          </u> | <u>  X  </u>      | 5.  | Does the action require a property owner to dedicate a portion of property or to grant an easement? [If the answer is <b>NO</b> , skip questions 5a and 5b and continue with question 6.] |
| <u>          </u> | <u>          </u> | 5a. | Is there a reasonable, specific connection between the government requirement and legitimate state interests?   |
| <u>          </u> | <u>          </u> | 5b. | Is the government requirement roughly proportional to the impact of the proposed use of the property?   |
| <u>          </u> | <u>  X  </u>      | 6.  | Does the action have a severe impact on the value of the property?  |

\_\_\_\_\_   X   7. Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public generally? [If the answer is **NO**, do not answer questions 7a-7c.]

\_\_\_\_\_ 7a. Is the impact of government action direct, peculiar, and significant?

\_\_\_\_\_ 7b. Has government action resulted in the property becoming practically inaccessible, waterlogged, or flooded?

\_\_\_\_\_ 7c. Has government action diminished property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question?

Taking or damaging implications exist if **YES** is checked in response to question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if **NO** is checked in response to questions 5a or 5b.

If taking or damaging implications exist, the agency must comply with Section 5 of the Private Property Assessment Act, to include the preparation of a taking or damaging impact assessment. Normally, the preparation of an impact assessment will require consultation with agency legal staff.



Figure 1. Approximate location of residence in relation to Fort Peck Hatchery



Figure 2. Location of proposed hatchery residence within Fort Peck townsite.

